



HON. SYLVIA HINDS-RADIX  
*Corporation Counsel*

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May 19, 2022

Honorable Katherine Polk Failla  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**MEMO ENDORSED**

Re: Austin Babb v. City of New York, et al.  
21 CV 8655 (KPF)

Your Honor:

I am a Senior Counsel in the office of the Hon. Sylvia Hinds-Radix, Corporation Counsel of the City of New York, representing defendants City of New York and Det. Steven Smith in the above-referenced matter. Defendants write pursuant to Your Honor's Individual Rule 2(d) to respectfully request an adjournment of the parties' mediation currently scheduled for May 24, 2022 at 10:00 a.m., until June 29, 2022. Plaintiff consents to this request.

Per docket entry dated October 22, 2021, the instant case is designated for participation in Local Civil Rule 83.10 (formerly the Section 1983 Plan, and hereinafter referred to as, the "Plan"). Defendants compute that, pursuant to the Plan, the parties' mediation is to occur by May 31, 2022, and consequently, the parties' mediation is presently scheduled for May 24, 2022. However, in light of the complexity and volume of the instant matter, defendants are continuing to actively assess this case for settlement, and are having ongoing discussions with their client in order to maximize the potential for meaningful mediation. We believe that the mediation will be more likely to be productive if it is held at a later date. In addition, counsel for defendants have conflicts over the next two weeks which prevent a quick adjournment of this date.

Defendants have conferred with plaintiff, as well as the mediator assigned to this matter, Mr. John Gross. As noted, plaintiff consents to the requested adjournment. Similarly, Mr. Gross has no objection to it. Plaintiff, defendants, and Mr. Gross are all available on June 29, 2022.

This is defendants' first request for such an adjournment. Upon information and belief, this adjournment will not affect any other currently scheduled dates in this matter.

Thank you for your attention to this matter.

Very truly yours,

/s/

Daniel Braun  
Senior Counsel  
Special Federal Litigation Division

Application GRANTED. The Clerk of Court is directed to terminate the pending motion at docket entry 20.

Dated: May 20, 2022  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE